



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,198	08/22/2000	Tamotsu Ito	16869P-011900US	1115

20350 7590 04/19/2011
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
----------	--------------

2424

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

04/19/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com

Office Action Summary	Application No. 09/644,198	Applicant(s) ITO ET AL.	
	Examiner REUBEN M. BROWN	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 & 35-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 & 35-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/14/10 has been entered.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered, but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 & 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi, (U.S. Pat # 6,483,983), in view of Duhault, (U.S. Pat # 5,900,868) and Vaidyanathan, (U.S. Pat # 6,467,081).

Considering amended claims 1 & 36, Takahashi teaches an apparatus (Fig. 1) that enables a user to access a plurality of programs. The amended claimed features of the content including a plurality of titles that includes a plurality of chapters, each chapter including a plurality of frames, the titles and chapters include moving pictures, is met by the disclosure of Takahashi (Fig. 3; col. 5, lines 21-40; col. 6, lines 20-40; col. 9, lines 31-40).

'reproducing module configured to reproduce the content' is met by the overall system of Takahashi, which is a reproducing apparatus (col. 3, lines 55-63; col. 4, lines 39-58; col. 7, lines 24-50) that is triggered by a reproducing button 22 that command the reproduction of data from the disk, (col. 4, lines 62-67).

'user input module configured to receive user input with at least a select button and/or cursor button', reads on the user interface 11, col. 4, lines 56-67.

The amended claimed, *'system control module configured to control the reproducing module to display the titles on a display module, wherein each of the titles are represented by title representation information'*, is met by the system control unit 9 of Takahashi, which is in

charge of controlling the operations of the driver unit 1, buffer unit 2 & the decoder unit (Fig. 1; col. 4, lines 17-38. Takahashi also shows in Fig. 3 that a plurality of titles are available for selection by the user (as tag 18). The claimed 'title representation information', is broad enough to read on the symbols representing the titles contained on the disks, see col. 5, lines 21-48, as shown in Fig. 3.

'wherein the system control module, controls the reproducing module to play back automatically user-specified title as a small frame if there is no button input for a select period of time', Takahashi, (col. 7, lines 65-67 thru col. 8, lines 1-2; col. 11, lines 25-67; col. 12, lines 32-63), discloses that after a user selects a chapter with the cursor button 27, that the associated moving picture may be displayed for a duration of time, col. 7, lines 25-37, but does not teach playback of the video as a small frame. However, Duhault teaches that when a preview is mode is detected, the video program is played in the thumbnail area (col. 5, lines 42-60, Fig. 5 step 148), which reads on the claimed *'playback...as a small frame'*. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Takahashi with the feature allowing the viewer to preview the video programming from a channel as a thumbnail (and maybe another channel) before displaying the video programming as a full screen video, which would require the user to re-initiate the multi-channel display function, if the user decided to preview any other channels, as taught by Duhault col. 1, lines 41-52.

As for the further amended features that the single frames are overlapped, even if the single frame is unselected, in both Fig. 2 & Fig. 3 of Duhault, the image tiles 242-245 & 343-346 are initially overlapped upon images 241 & 341, respectively before any one of 242-245 or 343-346 are subsequently selected, which meets the claim, see col. 2, lines 10-62. Furthermore, even if any one of 242-245 or 343-346 is selected, the other frames that are not selected are still displayed on the screen in their original overlapping posture.

However, the references do not explicitly discuss a delay time when waiting for another user input before starting playback of the moving picture in the small frame. Nevertheless, Vaidyanathan, which is also in the same field of endeavor of interactive object selection, teaches a system that allows a user to make a selection of an object by merely hovering the cursor of the mouse over the instant object for a predetermined time, col. 2, lines 54-59; col. 6, lines 44-49; col. 7, lines 25-42. The reference teaches that in order to overcome the problem of needing to highlight & select items, it is desirable to have an item (e.g., a help function) automatically executed, when a cursor is hovered over the instant item for a certain period of time. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Takahashi & Duhault with the feature of selecting an object on a screen by allowing the user to hover the mouse cursor over the object, instead of having to focus & then click the instant desired object, as taught by col. 2, lines 1-65, which at least reduces the amount of clicking required by user of the system, and obviates at least one step in the selection process.

As for the further claimed feature, ‘wherein the automatic playback start position of the *user-specified title is part of the moving picture indicated by the single frame*’, Takahashi teaches that moving pictures is played from the start picture of the chapter, col. 6, lines 34-51; col. 7, lines 25-50.

As for the further amended claimed feature, that the system stops playback of the title after the playback ends, Duhault teaches that when the preview portion is complete, then the video ends, see col. 5, lines 45-62.

Regarding claim 36, the claimed elements of an apparatus for accessing content on a storage medium that correspond with subject matter mentioned above in the rejection of claim 1, is likewise treated. Furthermore, claim 36 recites ‘*program*’, which corresponds with the claimed ‘*title*’ of claim 1. Also claim 36 recites, ‘*plurality of scenes*’, which likewise corresponds with claimed chapters of claim 1.

Considering claims 35 & 37, Official Notice is taken that at the time the invention was made, ‘skipping’ and ‘fast forward playback’, similar to a VCR, was old in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Takahashi/Duhault with the feature of fast forward or skipping, at least for benefit of allowing the user to go to the section of the movie that he/she most desires to view, at a particular time.

Considering claim 38, the claimed feature of '*reproduce the plurality of chapters, each of the chapters represented by a single frame and wherein at least the single frames for the plurality of chapters are configured to displayed on the display module as a chapter selection screen*', is met by Fig. 3 of Takahashi, col. 5, lines 21-48.

Considering claim 39, the claimed feature of '*reproduce the plurality of scenes, each of the scenes being represented by a single frame and wherein at least the single frames for the plurality of scenes are configured to displayed on the display module as a scene selection screen*', is met by Fig. 8 of Takahashi, col. 13, lines 58-67 thru col. 14, lines 1-15. The claimed '*scene*' corresponds with the subprogram of Takahashi.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Reuben M. Brown/
Patent Examiner, Art Unit 2424